

(Unofficial English Translation by KI-Media)

**SUPPLEMENTAL TREATY
BETWEEN THE KINGDOM OF CAMBODIA
AND THE SOCIALIST REPUBLIC OF VIETNAM
TO THE 1985 TREATY OF DELIMITATION OF
STATE BORDER**

In the name of the Royal Government of Cambodia and of the Government of the Socialist Republic of Vietnam (hereafter referred to as “the two contracting Parties”);

Desiring to construct the border of peace, security, lasting stability between the two countries, on the basis of respect and independence, sovereignty and territorial integrity, non-intervention in internal affairs, equal cooperation in the mutual interest in order to maintain and reinforce the good neighborly relationships, traditional friendship solidarity between the two countries;

Aiming [towards] the objective of accomplishing in the shortest delay the process of the demarcation and installation of border posts of the common border between the two countries;

H.E. Samdech HUN SEN, Prime Minister of the Royal Government of Cambodia

and

H.E. Mr. PHAM VAN KHAI, Prime Minister of the Socialist Republic of Vietnam

Have decided to conclude the present Supplemental Treaty on the delimitation of the land border between the Kingdom of Cambodia and the Socialist Republic of Vietnam (hereafter referred to as “supplemental Treaty”) to confirm the different modifications brought to the border delineation already delimited according to the Treaty of delimitation of State border between the Socialist Republic of Vietnam and the People’s Republic of Kampuchea concluded on 27 December 1985 (hereafter referred to as “the 1985 Treaty of border delimitation”);

Have agreed to the following dispositions:

Article I

The two contracting Parties have agreed to adopt a certain number of principles and solutions on the basis of the 1985 Treaty of border delimitation to modify the direction of the land border in certain zones:

1. The two contracting Parties have agreed to apply the international principles and practice concerning the fluvial border in order to delimitate the fluvial border along all the land border between the two countries, in particular:
 - For the non-navigable sectors of the river-border, the border follows the median line of the principal [water]course;
 - For the navigable sectors of the river-border, the border follows the median line of the principal navigable channel.

The principles mentioned above are presented in a precise manner as follow:

- 1.1. The precise position of the median line of the principal [water]course or the principal navigable channel and the appurtenance of islands, dunes, littoral erosion located in the rivers will be determined by the two contracting Parties during the process of demarcation and border post installation.

The essential criterion for the definition of the principal [water]course is the flow of the watercourse at mean [river] level. The principal criterion for the definition of the principal navigable channel is the depth of the navigable channel which will be considered in combination with the width and radius of curvature of the navigable channel. The median line of the principal navigable channel is the median line of the surface located between the two respective isobathic lines marking the principal navigable channel.

- 1.2. In the absence of agreements between the two contracting Parties, no change happening to the rivers serving as border will bring change to the direction of the border, nor will it impact the border position, nor the appurtenance of the islands and dunes. The islands and dunes which are observed to appear in the rivers serving as border, following the [fact] that the border will already be determined on the spot, will be delimited in dependence to the border already determined on site. For islands and dunes newly appeared and located on the border already determined on site, the two contracting Parties will carry on their discussions in order to determine the appurtenance of the said islands and dunes based on equity on rationality.
- 1.3. In case of difficulties arising from the application of the dispositions described above, the two contracting Parties will embark on amicable discussions in view of finding an acceptable solution for the two Parties.

2. During the settlement of the land border problems between Cambodia and Vietnam, to determine the direction of the border in the six (06) zones in which the two contracting Parties have diverging opinions during the meetings of the Joint Border Committee held during 1999 and 2000, the two contracting Parties have agreed to base themselves on following elements in order to examine them and to apply them:

- The legal elements that the colonial administration have used in the delineation of the Khmer-Vietnamese land border;
- The reality of the administration and the effective occupation by the population since several generations;
- The topographical characteristics conforming to the principles of applicable International law and practice in the determination of the border direction following several types of easements, such as the line of division of waters, the crest lines, the [elevation] contour level line, etc...

Article II

1. Article 1 of the 1985 Treaty of border delimitation is modified in regards to the precise following six (06) sectors :

1.1 For the border sector in the zone adjacent to the Ta Veng Krom Commune, district of Ta Veng, Ratanakiri province – Cambodia, and the Mo Rai commune, district of Sa Thay, Kon Tum province – Vietnam, as on the sheet DAKTO 148 W of the Bonne map at a scale of 1:100,000 [included in the] annex to the 1985 Treaty of border delimitation features a zone not mapped and in which [maps] assembly is impossible with the sheet YALY 156W of the Bonne map at a scale of 1:100,000 [included in the] annex of the 1985 Treaty of border delimitation, the two contracting Parties, on the basis of the content featured in the sheet PHUM KHAM DORANG 6437 I of the UTM map at a scale of 1:50,000 attached to the 1985 Treaty of border delimitation, have agreed to modify this border sector as follows:

“ ... starting from point A located at the confluent of the stream with no name, follow upstream to point B”.

This modified border sector is shown in red on the 1:50,000 scale map attached in Annex 1 of the current supplemental Treaty.

1.2 For the border sector in the zone adjacent to the commune of NHANG, Andaung Meas district, Ratanakiri province – Cambodia, and the commune of Ia O, Chu Pa (Ia Grai) district, Gia Lai province – Vietnam, where the sheets YALY 156 W and BO KHAM 164 W of the Bonne map at a scale of 1:100,000 [included in the] annex of the 1985 Treaty of border delimitation cannot be assembled, the two contracting Parties, on the basis of the content featured in the [map] sheet PH. THONG 6436 I of the UTM map at a scale of 1:50,000 [included in the] annex of the 1985 Treaty of border delimitation, have agreed to modify this border zone as follows:

“... starting from point A located at the confluent of a stream with no name and the river Nam Sa Thay, the border follows the latter up to its intersection with the Sé San river, then follows the course of the Sé San up to point B”.

This modified border sector is shown in red on the 1:50,000 scale map attached in Annex 2 of the current supplemental Treaty.

- 1.3 For the border sector in the zone adjacent to the commune of Srê Huy, Koh Nhèk district, Mondulkiri province – Cambodia, and the commune of Ea Bung, EA Sup district and the commune of Crong Na, Buon Don district, Dac Lac province – Vietnam, where sheets KOMAYOL 172 W and BAN DON 181 W of the Bonne map at a scale of 1:100,000 [included in the] annex to the 1985 Treaty of border delimitation cannot be assembled, the two contracting Parties, on the basis of the content featured on the three [map] sheets YALOP 6535 IV, YOK MBRE 6535 III and MEREUCH 6435 II of the UTM map at a scale of 1:50,000 [included in the] annex of the 1985 Treaty of border delimitation, have agreed to modify this border sector as follows:

“... starting from point A, the border follows the straight line up to point B of the stream with no name, then follows the course of the latter up to the Srêpok river”.

The two contracting Parties have agreed to modify the border line of this section during the verification of the transposition of the border line from the Bonne map at a scale of 1:100,000 to the UTM map at a scale of 1:50,000.

This modified border sector is shown in red on the 1:50,000 scale map attached as Annex 3 of the current supplemental Treaty.

- 1.4 For the border sector in the zone adjacent to the commune of Kaâm Samnar, Loeuk Dèk district and commune of Prèk Chrey, Koh Thom district, Kandal province – Cambodia, and the communes of Vinh Xuong and Phu Loc, Tan Chau district, and the commune of Phu Huu, An Phu district, An Giang province – Vietnam (between the Mékong and the Bassac [rivers]), the two contracting Parties will base themselves on the result of the bilateral inspection on the spot to modify this border sector in conformance to point 2 of Article I of the current supplemental Treaty.

- 1.5 For the two border sectors in the zone adjacent to the communes of Prèk Chrey (Koh Koki) and Sampeou Poun (Prèk Binh Gi), Koh Thom district, Kandal province – Cambodia, and the communes of Khanh An and Khanh Binh, Anh Phu district, An Giang province – Vietnam, the two contracting Parties, on the basis of the content featured on the sheet TAN CHAU 6030 IV and the UTM map at a scale of 1:50,000 [included in the] annex of the 1985 Treaty of border delimitation, have agreed to modify these border sectors as follows:

“... starting from point A, the border follows upstream the course of the Bassac (Hau Giang) river up to the confluent of the Bassac (Hau Giang) river and the Binh Gi stream (Prèk Binh Gi), then follows the course of the latter up to point B”.

The two modified border sectors are shown in red on the 1:500,000 scale map attached in Annex 4 of the current supplemental Treaty.

2. For the border sector in the zone adjacent to the commune of Dak Dam, district of O Rang, province of Monduliri – Cambodia, and the commune of Quang Truc, Dak Rlap district, Dak Lak (Dak Nong) province –Vietnam, the two contracting Parties have agreed to pursue their discussions.

Article III

In order to create pertinent technical conditions to the process of demarcation and border post marking of land border, the two contracting Parties have agreed to the following:

1. The technical experts of each contracting Party will unilaterally examine the transposition of the border line from the Bonne map at a scale of 1:100,000 of the Geographical Service of Indochina [included in the] annex to the 1985 Treaty of border delimitation to the UTM map at a scale of 1:50,000 attached to the 1985 Treaty of border delimitation. The technical experts of the two contracting Parties will meet at the end of 2006 in order to compare the result of their work, and to submit the technical solutions to the Joint border Committee for examination and adoption. In regards to the zones where the two Parties cannot agree on the results of the comparison or on the technical solutions, the border in these zones will remain unchanged with respect to the Bonne map at a scale of 1:100,000.
2. The Vietnamese party will help the Cambodian Party to print anew the 40 sheets of the UTM map at a scale of 1:50,000 containing topographic background similar to that of the UTM map at a scale of 1:50,000 attached to the 1985 Treaty of border delimitation, in five (05) copies.
3. Proceed to the meetings of the Joint Border Committee and experts for the establishment of the works of demarcation and border post marking on the spot (starting from the first trimester of 2006 until the second trimester of 2008).
4. The two contracting Parties will do their best to complete in the shortest delay the work of demarcation and border post marking on the spot before the end of December 2008, and will proceed to the production of topographic map of the border area between the two countries [which will] serve to certify the result of demarcation and border post marking in order to establish the official border map between the two countries.

5. As long as the works of demarcation and border post marking will not be completed, the management of the border will continue to be exercised in conformance to the Press Statement of the Prime Ministers of the two countries dated 17 January 1995.

Article IV

The two contracting Parties decide to entrust to the Joint border Committee the following tasks:

1. The elaboration of a master plan in view of establishing the Working Plan for demarcation and border post marking for the common border so-called “Reference Terms”, before the end of year 2005.
2. The demarcation, the border post marking of all Khmer-Vietnamese land border as described in Article I of the 1985 Treaty of border delimitation, and in Articles I, II, and III of the current supplemental Treaty.
3. The production of State border map between the Kingdom of Cambodia and the Socialist Republic of Vietnam.
4. The elaboration of Protocol on the demarcation and the border post marking of the land border between the two countries including the detailed files on border, on border posts, and the border map between the two countries representing the border direction, the location of border posts along all the border.

The Protocol on the demarcation and the border post marking of the land border will be an integral part of the 1985 Treaty of border delimitation and of the current supplemental Treaty. The border map between the two countries cited above in paragraph 3 of the present Article will replace the 26 sheets of the Bonne map at a scale 1:100,000 and the 40 sheets of the UTM map at a scale of 1:50,000 attached to the 1985 Treaty of border delimitation and the four (04) maps attached to the current supplemental Treaty.

Article V

In case of divergence in interpretation or execution of the current supplemental Treaty, the two contracting Parties will settle by peaceful means through discussions and negotiations.

Article VI

The current supplemental Treaty will be ratified and will become effective on the date of the exchange of ratification documents which will take place in Phnom Penh.

The four (04) Annexes of the Treaty are integral part of the current supplemental Treaty.

Done in Hanoi on 10 October 2005 in two copies in Khmer, Vietnamese, and French language. The three texts are considered equal. In case of divergence in interpretation, the French text will serve as reference document.

**FOR THE ROYAL GOVERNMENT
OF CAMBODIA**

Signed: Hun Sen

HUN SEN
Prime Minister

**FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC
OF VIETNAM**

Signed: Phan Van Khai

PHAN VAN KHAI
Prime Minister

Translation notes:

- 1- *Isobathic line: is a line joining points of equal depth in a water mass.*
- 2- *Bonne maps: maps obtained using the “Bonne” projection method. It was once very popular but has fallen into disuse and replaced by the transverse Mercator maps.*
- 3- *UTM maps: Universal Transverse Mercator (UTM) maps are obtained through a specialized form the transverse Mercator projection method.*
- 4- *Map scale: is the relationship between distance on a map and the distance on the earth's surface. A map scale of 1:100,000 indicates that 1 measuring unit on the map (say 1 centimeter) represents 100,000 actual units in the field (100,000 centimeters or 1,000 meters or 1 kilometer) . The larger the scale (say 1:100,000 vs. 1:50,000) of a map, the less details the map contain because it is shrunk too much.*